

**A G E N D A**  
**CITY-COUNTY COMMON MEETING**  
**Tuesday, September 3, 2002 - 8:00 a.m.**  
**County-City Building - Room 113**

- I. MINUTES** - Common Meeting on August 5, 2002
- II. 8:00 a.m. INTRODUCTION OF MARVIN KROUT, CITY-COUNTY PLANNING DEPARTMENT DIRECTOR** - Mayor Don Wesely
- III. 8:05 a.m. ANNOUNCEMENT OF OCTOBER MEETING AGENDA ITEM: INTERLOCAL FOR RIGHT-OF-WAY PURCHASES** - Roger Figard, Public Works; Don Thomas, County Engineer
- IV. 8:10 a.m. STATE LEGISLATION (FUEL TAXES)** - Allan Abbott, Public Works Director
- V. 8:25 a.m. HEALTH DEPARTMENT STRATEGIC PLAN/QUARTERLY REPORT** - Bruce Dart, Health Department Director; Steve Beal, Assistant Health Department Director; Dr. Ed Schneider, Board of Health
- VI. 8:55 a.m. REASONS FOR INCARCERATION INCREASES** - Mike Thurber, Corrections Director
- VII. ADJOURNMENT**

**M I N U T E S**  
**CITY-COUNTY COMMON**  
**Tuesday, September 3, 2002 - 8:00 a.m.**  
**County-City Building, Room 113**

**County Commissioners Present:** Bernie Heier, Common Chair; Kathy Campbell, Larry Hudkins, Ray Stevens and Bob Workman

**City Council Members Present:** Jon Camp, Ken Svoboda, Glenn Friendt, Coleen Seng and Terry Werner

**City Council Members Absent:** Jonathan Cook and Annette McRoy

**Others Present:** Mayor Don Wesely; Mark Bowen and Ann Harrell, Mayor's Office; Trish Owen, Deputy County Clerk; Kerry Eagan and Gwen Thorpe, County Board Office; Dr. Ed Schneider, Board of Health; Bruce Dart and Steve Beal, Lincoln Lancaster County Health Department (LLCHD); Marvin Krout, Planning Director; Allan Abbott, Public Works & Utilities Director; Don Thomas, County Engineer; Larry Worrell, County Surveyor; Dean Settle, Community Mental Health Center Director; Mike Thurber, Corrections Director; Darrell Podany, City Council Aide and Cori Beattie, County Board Secretary

**MINUTES**

Campbell moved approval of the minutes of the August 5, 2002 Common meeting; seconded by Seng. Vote - Ayes: Campbell, Camp, Friendt, Heier, Hudkins, Seng, Svoboda, Werner and Workman. Nays: None. Motion passed 9-0. (Stevens abstained; Wesely absent for vote.)

**HEALTH DEPARTMENT STRATEGIC PLAN/QUARTERLY REPORT**

The following were distributed: LLCHD's 2002-2010 Strategic Plan Power Point presentation (**See Exhibit A**); glossary of terms used in the Strategic Plan (**See Exhibit B**); brochure outlining LLCHD mission statement, goals, vision, etc., (**See Exhibit C**), and a news release titled, "New Mosquitos Vexing, Not Deadly," (**See Exhibit D**).

Beal indicated a number of people attended a very productive two-day strategic planning event at which time the values of the LLCHD were discussed, including the mission statement, vision statement and goals. The Plan offers suggestions for better utilization of public and private resources, increased communication and accountability, and current and long-range planning, to name a few. The ultimate goal being to have a healthier population.

Schnieder noted a number of new strategies will be implemented which are sure to put the LLCHD on the national map with regard to being leaders in public health issues. He praised Beal for his work on the Plan and added Dart always does a wonderful job, as well.

Beal said the brochure covers the important points of the presentation. The LLCHD initially

wanted to chart a course, strategically, that would be in line with current happenings. A large part of the Plan was actually derived from the Healthy People 2010 document which outlined community goals and objectives the Department hoped to accomplish by the year 2010.

The Strategic Planning Committee discussed nearly 50 different values they thought should be important to the LLCHD. Included were such things as accessibility, accountability, compassion, effectiveness/efficiency, respectfulness, diversity and visionary, to name a few.

Dart noted the importance of the Board of Health's role in the process. The volunteer Board serves as the policy arm of the department and the department depends heavily on the Board's input and interaction on community health issues. The Board also has a great deal of responsibility within the community and members do an excellent job of promoting public health.

Hudkins said Dr. Schneider is serving his first term on the Board of Health, but the amount of time he puts forth and the leadership he has given to the Board is just outstanding. His almost weekly interaction meetings with the department heads and director are unprecedented by a volunteer leader. Hudkins felt the success and acceptance of the LLCHD can be measured, in part, by Dr. Schneider's volunteer leadership. He added an award Dr. Schneider received at a recent National Association of Local Boards of Health Conference was well deserved.

Stevens questioned the two different versions of the mission statement - one in the brochure, the other in the handout. Beal said the brochure simply contains an abbreviated version. The bottom line is that the LLCHD is here to protect and promote the health of the citizens.

## **INTRODUCTION of MARVIN KROUT, PLANNING DEPARTMENT DIRECTOR**

Mayor Wesely introduced Marvin Krout as the new Director of the Lincoln-Lancaster County Planning Department.

## **INTERLOCAL FOR RIGHT-OF-WAY PURCHASES**

Thomas indicated that last year, Lincoln Electric System (LES) approached him about their northern transmission line which runs along the area of the east side of N.W. 12<sup>th</sup> Street, the south side of McKelvie Road and the west side of N. 14<sup>th</sup> Street, back to the other substation. At the time, the 120' right-of-way issue was discussed. LES asked Thomas if there would be a joint interest in acquiring more right-of-way for the transmission line so it wouldn't have to be moved in the future. The suggestion was for half the right-of-way with 60' on each respective side of the road. Thomas felt this was a very good suggestion.

The County Attorney's office drafted an interlocal agreement which the City is now reviewing. Thomas said the County will generally be the sponsor for acquiring right-of-way. With regard to the 60', the County would be responsible for 50' and the City for 10'. He figured this approach was in compliance with what both the Council and Board requested. The interlocal agreement will soon be before the City Council and County Board for approval. It could then be used as a blueprint for future agreements.

Hudkins asked if sixty additional feet were enough. Thomas said his department worked with

LES to come up with what they thought would be a fairly accurate number.

Wesely questioned if intersections are still at 140'. Abbott confirmed that right-of-way measurements will be whatever was approved in the Comprehensive Plan.

Camp asked about other infrastructure coordination. Thomas said efforts are being made to coordinate the western transmission line around to Air Park.

Friendt inquired if this year's budget shortage will cause funds to be reallocated to other priorities. Abbott said the cost for advanced right-of-way purchases (approximately \$135,000) was already included in the CIP.

Camp questioned how long it takes to acquire right-of-way. Abbott said six months for 4.5 miles is fairly average, depending on condemnations and relocations.

## **STATE LEGISLATION (FUEL TAXES)**

Abbott distributed a handout on state gas tax (**See Exhibit E**). He noted this is an endeavor the Mayor has agreed we should continue pursuing. It is tied to impact fees and infrastructure financing as a means of getting additional dollars into the City. This would also impact the County, as a change in how the state gas tax is distributed to cities and counties would be required.

The handout shows charts which explain how state gas tax and state road funds are distributed to cities and counties. Abbott stated cities and counties basically receive 23.3% of the first \$.105 of gas tax collected. The current gas tax rate is \$.245 per gallon with each penny bringing in \$12 million. Cities and counties share 14% of those dollars and the State receives 72%. Currently, there is about \$294 million a year coming in from state gas tax. Cities and counties each get \$41 million and the State gets \$212 million. The chart shows Lincoln's share at \$6.3 million; the County's share would be approximately \$2 million or 5% of the statewide collection.

In addition to gas tax, Abbott noted cities and counties share automobile sales tax amounting to approximately \$135 million a year. Cities and counties each get 23% of this amount - approximately \$31.5 million each. Cities and counties also share in the registration fees. Of last year's combined totals for state sales tax, registrations and state gas tax (\$484.5 million), the State received \$314.5 million and the cities and counties received \$85 million. Lincoln's share was \$13.2 million and Lancaster County's share was a little over \$4 million.

Lincoln receives less than 3% of the total revenues collected statewide, even though it has about 15% of the State's population. The County's amount equals a little less than 1% of the total monies collected statewide.

The formula for distributing gas tax dollars has been in effect since about 1985. Abbott estimated that if one cent more of each dollar went to the cities and counties, it could mean an additional \$1 million for Lincoln and about \$300,000 for the County.

Abbott said the next step is to go to the State Legislature in an effort to get the formula changed. What would have to happen is one of two things:

- 1) propose a gas tax increase statewide with the additional money going strictly to the cities and counties; or
- 2) allow cities and counties to have their own gas tax.

Abbott noted the latter would probably have a smaller chance of happening as Omaha tried this a few years ago and failed. If an additional cent would go to the cities and counties, the overall gas tax would probably increase because the State would then want to compensate for their funding loss. However, he believes this issue should be researched since it's been 17 years since the formula changed.

Abbott said local representatives have met with the City of Omaha to discuss the issue. Meetings were also held with the local senate delegation who expressed some support. In addition, he plans to meet with the League of Municipalities later this month.

Camp said he wasn't aware of any formal endorsement of this by his colleagues. He asked for comments from the Council and County Board regarding a position.

Hudkins asked if all eight Lincoln State Senators were present at the meeting. Abbott said he thought seven were in attendance. Hudkins questioned the Senators' response to this idea. Abbott said they listened and realized that something should be done but, obviously, there was no commitment - only support of the concept.

Wesely reiterated the two possible options with regard to the gas tax issue: 1) increase gas tax rate with more coming back to the City of Lincoln and Lancaster County; or 2) change the formula and keep current tax rates. He said he tried the latter a few years ago as a State Senator and gave an example of how a new formula could be derived, although, it was very complicated and most counties were not supportive at the time. Hudkins commented that if there's a chance of success, the City and County should at least try.

## **REASONS FOR INCARCERATION INCREASES**

Thurber distributed three handouts regarding incarceration:

- 1) Lancaster County Department of Corrections Intake Service Monthly Statistical Report for July, 2002 **(See Exhibit F)**;
- 2) Total Inmate Populations **(See Exhibit G)**; and
- 3) Average daily population and community census statistics **(See Exhibit H)**.

Thurber began by pointing out the sheer growth of the community in the last ten years can be directly associated with increased incarceration. The average daily population during fiscal year 1995 was 298 individuals in the jail. This number rose to 374 during fiscal year 2002 - nearly a 25% increase.

Thurber noted that while there was also a 12% increase in bookings, the key thing to look at is the rise in felony cases which were booked. Methamphetamine cases have dramatically increased causing these individuals to have a higher bond, thus, the pre-arraignment process takes much longer. These cases are also fought harder because they have stiffer penalties. Thurber indicated that in the 1980's, one common practice which reduced the inmate population was a point system known as ROR (release on your own recognizance). People with misdemeanor cases could be released to a responsible party until their court arraignment. Sometimes an individual was released to an attorney who assured that their client would show

up in court. This program is virtually non-existent today.

In Corrections management, a rule of thumb is to try and release 45-50% of book-ins. In the month of July, there were 987 individuals booked in to the jail. Approximately 34% were conditionally released either at book-in time, at their arraignment or the court disposed of the case. If 50 % of book-ins are not released, the jail is going to be at overcapacity every month from that point on because of the sheer numbers.

With regard to bookings, in 1995 107 felons were sentenced. This number decreased to 83 in 2002. Misdemeanor sentencings also decreased from 1316 in 1995 to 1115 in 2002. Thurber hoped this trend would continue. He has been communicating with the courts in an attempt to have individuals complete their jail time in a timely fashion.

Thurber said the average stay for capital crimes has increased from nine months in the 1980's to over a year today. Also, in 1997 the courts increased bond amounts on all domestic violence and domestic assault cases - people can no longer bond out. This change added a significant amount of days per individual. The bond for bench warrant misdemeanors also increased from \$100 to \$250 which keeps people around longer.

Thurber stated one recommendation from the recent Corrections Needs Assessment was to find ways to better handle pre-trial releases versus housing individuals in a more extensive incarceration setting. The County has also contracted with Warren Cook to implement adult alternatives to help reduce the jail population. In addition, work is being done on a federal grant application targeting jail diversion programs for mentally ill individuals.

Camp asked for an estimate of future capacity needs. Thurber said the Needs Assessment stated that in order to remain under capacity (meaning staying in compliance with jail standards), planning must be implemented soon to increase the book-in area, add 110 beds and also implement pre-trial alternatives. Without alternatives in place, the Assessment estimated 340 beds would need to be added to the jail.

Camp inquired if any national trends are visible which could help diminish the overcrowding problem. Thurber said a number of judges and other local representatives recently toured facilities in Prince George, MD, and Tucson, AZ, who have been able to keep their growth numbers relatively low the last 15 years by running pre-trial release programs. They utilized such things as bracelet and supervised release programs and a day reporting process. They also implemented education, job preparedness and drug/alcohol treatment programs in an attempt to keep individuals from re-offending. Thurber added some cities/counties are using their tobacco settlement money to help implement these programs.

Stevens questioned the cost of additional beds. Thurber estimated the cost to be \$80,000 to \$110,000 per cell, depending on a variety of factors.

Hudkins asked Thurber to elaborate on the infraction process. Thurber said the best way to explain whether a person is booked as a city or county offender is whether their violation is written under a City ordinance. If an individual is charged with a City infraction, then the City is responsible for payment of their care under the existing interlocal agreement. Right now about 17% of the jail population is City offenders.

Camp questioned the cost of incarceration versus a preventive program. Thurber stated it costs roughly \$60 a day or over \$20,000 per year to house an inmate. On average, a pre-

release program would run about \$6,000 to \$7,000. This price would drop based on the number in the program, etc.

Heier noted the County Board has, on occasion, visited the idea of combining some justice services and departments between the City and the County. This may become a future point of discussion whereby it could potentially save money for both governments.

The next City-County Common meeting was scheduled for Monday, October 7, 2002 at 8:15 a.m., at the County-City Building, Room 113. Potential agenda items should be forwarded to Cori in the County Board office as soon as possible. Hudkins asked if the City and County Attorneys could attend a future Common meeting to discuss the possibility of combining their criminal divisions.

There being no further business, the meeting adjourned at 9:45 a.m.

Submitted by,

Cori R. Beattie  
County Board Secretary